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EXAMINER

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2623

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/844,919
Filing Date: April 26, 2001
Appellant(s): SIBLEY, ERIN H.

MAILED

MAY 18 2006

Technology Center 2600

Sibley, et al.
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 03/06/06 appealing from the Office action mailed 10/19/05.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,097,441	Allport	8-2000
5,990,927	Hendricks et al.	11-1999
6,167,263	Campbell	12-2000
6,628,941	Knoblach et al.	09-2003

IEEE 100, The Authoritative Dictionary of IEEE Standard Terms, Seventh Edition,
(December, 2000), pp. ii, 633, 725-726

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-8, 10, 12 and 14-17 stand rejected under 35 U.S.C. 102(b) as being unpatentable over Allport. This rejection is set forth in a prior Office Action, mailed on October 19th, 2005.

Claims 9, 11, 13 and 18-22 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Allport. This rejection is set forth in a prior Office Action, mailed on October 19th, 2005.

(10) Response to Argument

- a. Rejection under 35 U.S.C. 102(b) of claim 1 over Allport.

Firstly, on pages 6 and 7, appellant argues that Allport does not disclose re-broadcasting from the base station over a network, as appellant's *word search* did not specifically encounter the word "network" in regards to the transmission from a base station to the remote control.

In response, the mere fact that Allport has not chosen to use the exact term of "wireless local area network" to describe the wireless connection between his base station unit (75) and the remote control unit (10) is completely irrelevant. Allport specifically discloses a base station unit which will *wirelessly* transmit and receive data with a remote control (Fig. 2; column 10, lines 9-21 and lines 43-49). Allport further specifically discloses wherein the wireless communications are limited to a *local area* (limited to the same room or adjacent rooms in a building; column 10, lines 16-35). Finally, as indicated in the provided pages of the IEEE 100 Dictionary, Seventh Edition, a "network" is any set of devices or subsystems connected by links joining (directly or indirectly) a set of terminal nodes (page 726, network (7)). The wireless communication link between the base station and remote control, as described by Allport, clearly meet this definition.

Furthermore, as defined by the IEEE 100 Dictionary, Seventh Edition, a "local area network" constitutes "a communication network to interconnect a variety of intelligent devices...that can transmit data over a limited area, typically

within a facility.” (page 633, local area network (3)). The limited area, wireless communications, as described by Allport, clearly meet this definition.

Appellant further argues, on page 7, that Allport fails to disclose a base station communicating with a plurality of user appliances, as Allport only describes a single remote control.

In response, as previously pointed out to appellant in both the Final Rejection, mailed 10/19/05, and the Advisory Action, mailed 12/29/05, Allport specifically indicates that multiple displays may be further incorporated into the system (column 5, lines 59-65), and is thus not limited to a single “user appliance”. Thus, a multiple display system (column 5, lines 59-65), transmitting from a base station to multiple display devices (Fig. 2; column 10, lines 9-21 and lines 43-49), wirelessly (column 10, lines 9-21 and lines 43-49), across a local area network (see (a) above and Fig. 2; column 10, lines 9-21 and lines 43-49), clearly meets the current claim limitations.

b. Rejection under 35 U.S.C. 102(b) of claims 2-8, 10 and 12 over Allport.
See (a) above, in regards to claim 1.

c. Rejection under 35 U.S.C. 102(b) of claim 14 over Allport.
See (a) above, in regards to claim 1, concerning how Allport clearly discloses a wireless local area network.

d. Rejection under 35 U.S.C. 103(a) of claim 9 over Allport.

On page 8, appellant ***admits*** that stratospheric platforms are known in the art, but argues that the combination of a stratospheric platform and a base station that forms a wireless local area network with user appliances *is not taught or set forth in the Allport reference*.

In response, it is noted that the rejection of claim 9 is not based upon Allport setting specifically utilizing a stratospheric platform, but rather in modifying Allport take advantage of a well-known communication system for broadcast to the base station in the user's home. Allport sets forth a base station unit which will receive broadcast signals with embedded data and transmit the data over a wireless local area network to user appliances (Fig. 2; column 9, lines 53-57). While Allport discloses wherein the broadcast signals can originate from broadcast TV, cable TV, satellite TV, or *any other source* (column 9, lines 48-51), he doesn't specifically describe a stratospheric platform.

As indicated by the previous Official Notice, and further *admitted by appellant*, the use of a stratospheric platform for broadcast transmissions is well known in the art. Furthermore, Knoblach et al. (6,628,941) and Campbell (6,167,263) are both provided as clearly teaching the use of stratospheric platforms for broadcast communications (see Knoblach at Fig. 2 and column 3, line 41-column 4, line 4 and see Campbell at column 2, lines 12-62).

Thus, as Allport clearly indicates the *broadcast* system can consist of *any* source, and as indicated above and admitted by appellant, it is well known to utilize a stratospheric platform for broadcast transmission, it would have been obvious to *modify* Allport's system to utilize a stratospheric platform for broadcast transmission.

e. Rejection under 35 U.S.C. 103(a) of claim 11 over Allport.

On page 9, appellant ***admits*** that compression is known, but argues that the combination of compression used with a local area wireless network from a base station *is not taught or set forth in the Allport reference*.

In response, it is noted that the rejection of claim 11 is not based upon Allport setting specifically disclosing the use of compression for embedded digital electronic content, but rather in modifying Allport to utilize the well known advantages provided by compression, such as requiring less signal bandwidth for transmission and storage space. Allport sets forth a base station unit which will receive broadcast signals with embedded data and transmit the data over a wireless local area network to user appliances (Fig. 2; column 9, lines 53-57 and column 12, lines 11-21). While Allport discloses wherein the broadcast signals include embedded data, he doesn't specifically disclose wherein the data is compressed.

As the well-known benefits of compression, which include requiring less signal bandwidth for transmission and storage space, are independent of the

particular communication system, and the use of compression is well known, and further admitted by appellant, it would have been obvious to one of ordinary skill in the art to modify Allport's system to include compression.

Furthermore, it is noted that Hendricks et al. (5,990,927) (of record) has previously been provided to appellant and specifically discloses wherein embedded data transmitted with broadcast content (column 26, line 64-column 27, line 10) is compressed prior to transmission (column 6, lines 15-34) and decompressed when received and used (column 6, lines 26-34).

f. Rejection under 35 U.S.C. 103(a) of claim 13 over Allport.

On page 8, appellant **admits** that fiber optic networks are known in the art, but argues that the combination of a fiber optic network in combination with a base station that forms a wireless local area network *is not taught or set forth in the Allport reference*.

In response, it is noted that the rejection of claim 13 is not based upon Allport setting specifically utilizing a fiber optic network, but rather in modifying Allport take advantage of a well-known communication system for broadcast to the base station in the user's home. Allport sets forth a base station unit which will receive broadcast signals with embedded data and transmit the data over a wireless local area network to user appliances (Fig. 2; column 9, lines 53-57). While Allport discloses wherein the broadcast signals can originate from

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broadcast TV, cable TV, satellite TV, or *any other source* (column 9, lines 48-51), he doesn't specifically describe a fiber optic network.

As indicated by the previous Official Notice, and further *admitted by appellant*, the use of a fiber optic network for broadcast transmissions is well known in the art. Thus, as Allport clearly indicates the *broadcast* system can consist of *any source*, and as indicated above and admitted by appellant, it is well known to utilize a stratospheric platform for broadcast transmission, it would have been obvious to *modify* Allport's system to utilize a stratospheric platform for broadcast transmission.

Furthermore, it is noted that Hendricks et al. (5,990,927) (of record) has previously been provided to appellant and specifically discloses that it is well known for broadcast content with embedded data (column 26, line 64-column 27, line 10) to be broadcast from a cable headend to a user's home over a fiber optic network (column 6, lines 5-15 and column 13, lines 32-41).

g. Rejection under 35 U.S.C. 103(a) of claim 18 over Allport.

In response to appellant's arguments in regards to digitally compressing the electronic content, see (e) above, in regards to claim 11.

h. Rejection under 35 U.S.C. 103(a) of claims 19 and 20 over Allport.

See (g) above, in regards to claim 18.

- i. Rejection under 35 U.S.C. 103(a) of claim 21 over Allport.

On page 10, appellant argues that while Allport discloses displaying the video stream, he does not disclose digitally compressing the digital video stream, and thus does not teach or require decompressing the digital video stream.

In response, as indicated in (e) and (g) above, in regards claims 11 and 18, while Allport does not specifically disclose compressing the digital video stream, it would have been an obvious *modification* to Allport to include compression. It is as a result of *modifying* Allport to include compression that the system would then require *decompression* of the video before display.

Furthermore, it is noted that Hendricks et al. (5,990,927) (of record) has previously been provided to appellant and specifically discloses wherein compressed content is received and then decompressed prior to use (column 5, lines 15-44).

- j. Rejection under 35 U.S.C. 103(a) of claim 22 over Allport.

See (g) above, in regards to claim 18.

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(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,


James Sheleheda
Patent Examiner
Art Unit 2623

JS
May 3, 2006

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